

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE  
U.S. DISTRICT COURT  
AT ROANOKE, VA  
FILED  
April 22, 2025  
LAURA A. AUSTIN, CLERK  
BY: s/ M.Poff, Deputy Clerk

JOSEPH KETCHUM, )  
Plaintiff, ) Case No. 7:24CV00221  
v. ) )  
MAJOR BILITER, ET AL., ) OPINION  
Defendants. ) JUDGE JAMES P. JONES  
 )  
 )

*Joseph Ketchum, Pro Se Plaintiff; Joseph A. Piasta, JOHNSON, AYERS & MATTHEWS, P.L.C., Roanoke, Virginia, for Defendants.*

The plaintiff, a former Virginia incarcerated person proceeding pro se, filed this civil rights action under 42 U.S.C. § 1983, alleging that the defendant jail officials used excessive force against him or failed to intervene or provide adequate protection against an attack by another inmate. In December 2024, the defendants filed a Motion to Dismiss and a Motion for Summary Judgment, arguing that Ketchum had failed to exhaust administrative remedies before filing the case. The Court issued a Notice on December 9, 2024, 2024, notifying Ketchum of his opportunity to respond to the defendants' motions and submit contradictory evidence and argument. That Order also warned Ketchum that failure to file a timely response would result in dismissal of the case without prejudice.

Ketchum notified the Court in January 2024 that he had been released from jail. On January 21, 2025, the Court issued an Order direction Ketchum to respond with the full filing fee or otherwise respond within thirty days. Ketchum then moved to proceed in forma pauperis, and the Court granted that motion by Order entered February 25, 2025. In that Order, the Court also notified Ketchum that if he failed to respond to the defendants' pending motions within the timeline allotted, the Court would assume he had lost interest in the case or that he agreed with their defenses.

The time allotted for Ketchum to respond to the defendants' motions has passed, and he has failed to file a timely response to those motions. Accordingly, I will assume that he has lost interest in the case or agrees with the defendants' arguments. Therefore, I will dismiss the action and the defendants' pending motions without prejudice.

An appropriate Final Order will issue herewith.

ENTER: April 22, 2025

/s/ JAMES P. JONES  
Senior United States District Judge